(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO.1000 OF 2002

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Shri M.V.Holmagi for the Petitioner.

Shri B.H.Mehta, APP for the Respondent No.1-State.

Shri A.S.H. Khan for the Respondent No.2.

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CORAM: R.M.S.KHANDEPARKAR, J

DATED: 25TH JANUARY, 2005.

P.C.

. Heard. The Petitioner challenges the concurrent findings and the orders passed by the Courts below rejecting the proceedings under Section 145 of the Code of Criminal Procedure. The findings arrived at clearly disclose that the Petitioner had even filed the suit in relation to the suit property without any success. Even a criminal case filed on the allegation against the Respondent No.2 in relation to the offences alleged to have been committed by him in relation to the property in

question came to be dismissed. Both the Courts below have not been able to arrive at the finding on analysis of the evidence that there has been any likelihood of breach of peace on account of the alleged dispute. Being so, dismissal of the application under Section 145 of the Code of Criminal Procedure cannot be found fault with and it does not warrant interference in exercise of writ jurisdiction under Article 227 of the Constitution of India. Hence, the present petition is rejected.